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10/098,513	03/18/2002	Anders Krantz	3682-23	4403

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EXAMINER	
AILES, BENJAMIN A	
ART UNIT	**PAPER NUMBER**
2142	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/098,513	KRANTZ ET AL.	
	Examiner	Art Unit	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 June 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 have been examined.

2. Examiner requests that the applicant submit with a response to this office action a complete listing of all current claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on 28 June 2001. It is noted, however, that applicant has not filed a certified copy of the 0102329-0 application as required by 35 U.S.C. 119(b).

Claim Objections

4. Claim 10 objected to because of the following informalities: A colon (:) should be placed at the end of the claim preamble. Specifically, line 3 should be changed to: "the method includes the steps of:" Appropriate correction is required.

5. Claim 11 objected to because of the following informalities: A colon (:) should be placed at the end of the claim preamble. Specifically, line 5 should be changed to: "...wherein said method also includes the steps in which:" Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9, 10, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 9 is rejected specifically for the use of "and/or" on line 3 of the claim. It is unclear whether the invention requires both a password and security codes. For examination purposes, the Examiner will assume the claim is written in the alternative form. Appropriate correction is required.

9. Claim 10 is rejected specifically for the use of "and/or" on line 16 of the claim. It is unclear whether the invention requires course sections and course plans to be stored. For examination purposes, the Examiner will assume the claim is written in the alternative form. Appropriate correction is required.

10. Claim 16 is rejected specifically for the use of "and/or" on line 3 of the claim. It is unclear whether the invention requires both a password and security codes. For examination purposes, the Examiner will assume the claim is written in the alternative form. Appropriate correction is required.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by George et al. (U.S. 5,978,648), hereinafter referred to as George.

13. Regarding claim 1, George discloses A control system for achieving quality ensured competence development (col. 1, lines 7-16, *...educational assistance tools, and processes and, more specifically, to an interactive multimedia performance*

assessment system and process for use by students, educators, and administrators for facilitating individualized performance and assessment of a student's academic development...), wherein said system is connected to a distributed computer network (see Fig. 32), wherein said system includes at least one first memory device connected to said distributed computer network and operable to store all course sections of different courses and an ideal time for each course section (col. 2, lines 7-10, *Teachers create a series of performance assessment tasks which are designed to access a student's entry level knowledge or application of knowledge in a given subject matter and covering a specified time frame)*, at least one second memory device connected to said distributed computer network and operable to store all studied material affiliated with said course section (col. 2, lines 19-27, *The work folders provide the student numerous multi media tools such as Internet access, work processing and paint programs, digital scanner, video camera, and camcorder devices and audio recorders to assist the student in creating multi media presentations)*, at least one third memory device connected to said distributed computer network and operable to store individual-adapted course plans (col. 2, lines 19-21, *The assessment tasks are assigned digitally to the students on their computers for completion either at school or at home)*, at least one control device connected to said distributed computer network and operable in calculating and indicating a planned completion date for each individual course plan with the aid of said ideal time for different course sections and the time spent by said individual on different course sections (col. 2, lines 7-10, *Teachers create a series of performance assessment tasks which are designed to access a student's entry level*

knowledge or application of knowledge in a given subject matter and covering a specified time frame, and col. 6, lines 48-52, *...the performance task template screen includes a summative assessment presentation which incorporates a student grade entry, a subject entry, an assignment start date, an assignment end date, a task status entry, and an assessment purpose entry)*, and at least one fourth memory device connected to said distributed computer network and operable to store the course plans and course sections that have been completed with respect to each individual (col. 2, lines 35-38, *The students are further provided with the ability to compile their best work onto a CD-ROM or similar computer writeable media...).*

14. Regarding claim 2, George discloses the control system for achieving quality ensured competence development characterized in that each individual obtains access to said control system by means of a computer device connectable to said distributed computer network, and in that the control system also includes at least one recording device operable in recording the time spent for each course section by each individual (see Figure 32, item 216 – HOME PC, item 214, 224, LAN, INTERNET, The step of recording the time spent is inherently recorded by the network in well known login/logout procedures which perform time stamping.).

15. Regarding claim 3, George discloses the control system for achieving quality ensured competence development characterized in that the distributed computer network is the Internet or a Wide Area Network (WAN) (see Figure 32, item 224, INTERNET).

16. Regarding claim 4, George discloses the control system for achieving quality ensured competence development characterized in that said at least one first memory device, said at least one third memory device and said at least one fourth memory device are comprised of at least one first server device; and in that said at least one second memory device is comprise of a second server device (see Figure 32).

17. Regarding claim 5, George discloses the control system for achieving quality ensured competence development characterized in that each computer device includes a reproduction device or display, where different cursors on the display indicate different statuses of a course section in respect of a given individual (see Figure 11, item 170, 'task status').

18. Regarding claim 6, George discloses the control system for achieving quality ensured competence development characterized in that a first cursor denotes that a course section has been completed, a second cursor denotes that a course section is ongoing, and a third cursor denotes that a course section has been commenced but not yet completed (see figure 11, item 166, 'start date', item 168, 'end date', item 170, 'task status').

19. Regarding claim 7, George discloses the control system for achieving quality ensured competence development characterized in that a fourth cursor functions to start and stop the recording of the time spent on a respective course section by the recording device (col. 8, lines 20-29, *...a student home page screen is illustrated (Figure 9) and may be directly accessed from the home page by a student once the appropriate login sequence has been key entered* As mentioned in claim 2, The step of recording the

time spent is inherently recorded by the network in well known login/logout procedures which perform time stamping.).

20. Regarding claim 8, George discloses the control system for achieving quality ensured competence development characterized in that a fifth cursor enables an individual to communicate with a teacher in writing (col. 2, lines 28-32, *The teacher assessment tasks and student work folders are designed so that they are truly interactive and allow both the teacher and student to also communicate and to provide information using any combination of text, audio, and video...).*

21. Regarding claim 9, George discloses the control system for achieving quality ensured competence development characterized in that access to the control system is obtained through the medium of a password and/or security codes (col. 8, lines 19-22, *...a student home page screen (Fig. 9) is illustrated and may be directly accessed from the home page by a student once appropriate login sequence has been key entered).*

22. Regarding claim 10, George discloses a method of achieving quality ensured competence development with the aid of a control system for achieving quality ensured competence development, wherein the method includes the steps of

choosing from a first memory device included in the control system and operable in storing all course sections for different courses and an ideal time for each course section (col. 2, lines 7-10, *Teachers create a series of performance assessment tasks which are designed to access a student's entry level knowledge or application of knowledge in a given subject matter and covering a specified time frame),* course sections that form an individual-adapted course plan, and storing said plan in a third

memory device included in the control system (col. 2, lines 7-10, *Teachers create a series of performance assessment tasks which are designed to access a student's entry level knowledge or application of knowledge in a given subject matter and covering a specified time frame,* and col. 2, lines 19-21, *The assessment tasks are assigned digitally to the students on their computers for completion either at school or at home)*;

downloading study material affiliated with said chosen course sections from a second memory device included in the control system and operable in storing all study material (col. 2, lines 19-27, *The work folders provide the student numerous multi media tools such as Internet access, work processing and paint programs, digital scanner, video camera, and camcorder devices and audio recorders to assist the student in creating multi media presentations)*;

calculating and indicating a planned completion date for said course plan by means of a control device included in the control system and with the aid of said ideal time for different course sections and also with the aid of the time spent by said individual on different course sections (col. 2, lines 7-10, *Teachers create a series of performance assessment tasks which are designed to access a student's entry level knowledge or application of knowledge in a given subject matter and covering a specified time frame,* and col. 6, lines 48-52, *...the performance task template screen includes a summative assessment presentation which incorporates a student grade entry, a subject entry, an assignment start date, an assignment end date, a task status entry, and an assessment purpose entry)*; and

when one or more course sections or the course plan has/have or has been completed, storing said course section/sections and/or course plan in a fourth memory device included in the control system(col. 2, lines 35-38, *The students are further provided with the ability to compile their best work onto a CD-ROM or similar computer writeable media...).*

23. Regarding claim 11, George discloses the method of achieving quality ensured competence development characterized in that each individual obtains access to said control system by means of a computer device which can be connected via a distributed computer network and which includes a reproduction device or display device, wherein said method also includes the steps in which

a first cursor is shown on the display device to indicate that a course section has been completed (see figure 11, item 166);

a second cursor is shown on the display device to indicate that a course section is ongoing (see figure 11, item 168); and

a third cursor is shown to indicate that a course section is ongoing but not yet completed (see figure 11, item 170).

24. Regarding claim 12, George discloses the method of achieving quality ensured competence development characterized in that the control system includes at least one recording device operable in recording the time spent by each individual on different course sections, wherein the method further comprises the step of using a fourth cursor for starting and stopping recording of the time spent on a course section by the recording device (col. 8, lines 20-29, *...a student home page screen is illustrated*

(Figure 9) and may be directly accessed from the home page by a student once the appropriate login sequence has been key entered As mentioned in claim 2, The step of recording the time spent is inherently recorded by the network in well known login/logout procedures which perform time stamping.).

25. Regarding claim 13, George discloses the method of achieving quality ensured competence development characterized in that the method also comprises the step of using a fifth cursor displayed on the display device to enable an individual to communicate with a teacher in writing (col. 2, lines 28-32, *The teacher assessment tasks and student work folders are designed so that they are truly interactive and allow both the teacher and student to also communicate and to provide information using any combination of text, audio, and video...*).

26. Regarding claim 14, George discloses the method of achieving quality ensured competence development characterized in that the distributed computer network is the Internet or a Wide Area Network (WAN) (see Figure 32, item 224, INTERNET).

27. Regarding claim 15, George discloses the method of achieving quality ensured competence development characterized in that the method also includes the step in which when study material has been revised in the second memory device, the revised study material is distributed to those individuals who have chosen the course section affiliated with said study material (col. 5, lines 50-54, *George discloses the use of an instructional task planner that an instructor may use to view and maintain tasks.*).

28. Regarding claim 16, George discloses the method of achieving quality ensured competence development characterized in that access to the control system is obtained

by entering a password and/or security codes (col. 8, lines 19-22, *...a student home page screen (Fig. 9) is illustrated and may be directly accessed from the home page by a student once appropriate login sequence has been key entered).*

29. Regarding claim 17, George discloses at least one computer program product (102.sub.1, . . . , 102.sub.n) that can be downloaded directly into the internal memory of at least one digital computer (100.sub.1, . . . , 100.sub.n) includes software parts for carrying out the steps according to claim 10 when said at least one product (102.sub.1, . . . , 102.sub.n) is run on said at least one computer (100.sub.1, . . . , 100.sub.n) (col. 4, line 65 – col. 5, line 9, *George discloses a logon screen for a computer writeable medium employing a computer code according to a preferred embodiment. The multi media system and process is provided on a computerized software program which may be stored either in a personal computer hard drive or a CD-ROM or floppy disk medium and which is capable of being retrieved and worked upon by a personal computer*).

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

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